THE HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

THE HON'BLE DR. JUSTICE G. YETHIRAJULU

W.A.No.1371 OF 2005

Dt:05.09.2005

Between:

State of A.P., and others.

.. Appellants

and

Y.Sarada Devi

.. Respondent

THE HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

THE HON'BLE DR. JUSTICE G. YETHIRAJULU

W.A.No.1371 OF 2005

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JUDGMENT:*(per the Hon'ble Sri Justice B. Prakash Rao)*

Heard the learned Government Pleader on behalf of the learned Advocate General and also the learned counsel appearing on behalf of the first respondent.

The main ground under challenge in this appeal, at the instance of the State, is the positive direction given to the appellants to sanction the post of the Head Master/Head Mistress to the second respondent-school and to consider the case of the first respondent for payment of necessary emoluments.

Having perused the entire material available on record, it is not necessary to go into the merits of the case. Suffice it to say that under Article 226 of the Constitution of India, while issuing the writ, more so, in the nature of *mandamus*, the question of issuing any positive mandate or direction does not arise. At the most, if at all, the Court is satisfied, a direction to consider for sanction of the post could be given.

Therefore, the order passed by the learned Single Judge is modified only to the following effect:

The words “the respondents are directed to sanction the post of the Head Master/Head Mistress” shall be substituted by “the respondents are directed to consider for sanction of the post of Head Master/Head Mistress” and the rest of the order stands as it is.

Subject to the above modification, the writ appeal is disposed of.

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(B.PRAKASH RAO.J)

(DR.G.YETHIRAJULU.J)

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Dt.05.09.2005

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